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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ARNOLD ANDERSON,

Plaintiff,

v.

GILBERTO VALENZUELA, et al.,

Defendants.

Case No. 2:17-cv-2070-APG-NJK

**ORDER AFFIRMING MAGISTRATE
JUDGE'S RECOMMENDATION IN
PART AND REFERRING BACK TO
THE MAGISTRATE JUDGE**

(ECF No. 8)

On October 2, 2017, Magistrate Judge Koppe entered her Report and Recommendation recommending dismissal of plaintiff Arnold Anderson's claims against defendants Frizzell, Murray, Dillon, Wolf, and an "unknown officer." ECF No. 8. Judge Koppe also recommended that the case be stayed pending completion of Anderson's state criminal case. Anderson filed an objection. ECF No. 10. I have conducted a de novo review of the issues set forth in the Report and Recommendation, as required by Local Rule IB 3-2(b). Judge Koppe's Report and Recommendation sets forth the proper legal analysis, and the factual basis, for the decision. Therefore, I will accept most of her recommendations. However, I will remand to Judge Koppe to reconsider her recommendation of a stay.

It appears that Anderson's criminal case has been completed because Anderson states in his objection that "[o]n September 1, 2017 the jury returned a guilty verdict without any evidence." ECF No. 10 at 2. Also, Anderson recently changed his listed address to Indian Springs, Nevada, presumably at the Nevada prison located there. ECF No. 14. Therefore, there may no longer be a need to stay this case. Anderson has filed a motion to amend his complaint. ECF No. 12. It is appropriate for Judge Koppe to address that motion as a screening order to determine whether leave to amend should be granted or denied as futile. At the same time, Judge Koppe can determine whether Anderson's criminal case has resolved and whether a further stay is warranted.

1 IT IS HEREBY ORDERED that the Report and Recommendation (**ECF No. 8**) is
2 **accepted in part**, Anderson's objection (ECF No. 10) is denied, and this matter is referred to
3 Magistrate Judge Koppe to address the motion to amend and whether a further stay is in order.

4 DATED this 12th day of February, 2018.



6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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